

---

By: **Delegate Walkup**

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Redeposit of Dredge Spoil - Historical Natural Islands**

3 FOR the purpose of prohibiting the Department of the Environment from approving  
4 the construction of certain contained areas in the waters of the Chesapeake Bay  
5 for the redeposit of certain spoil or certain other materials; authorizing the  
6 Department to approve the construction of existing islands or historical natural  
7 islands in the Chesapeake Bay for the redeposit of certain spoil; requiring the  
8 Department of Transportation to use certain spoil for certain purposes; defining  
9 certain terms; and generally relating to the redeposit of certain spoil and certain  
10 other materials in the waters of the Chesapeake Bay.

11 BY repealing and reenacting, with amendments,  
12 Article - Environment  
13 Section 5-1101 and 5-1103  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 2000 Supplement)

16 BY adding to  
17 Article - Environment  
18 Section 5-1103.1  
19 Annotated Code of Maryland  
20 (1996 Replacement Volume and 2000 Supplement)

21 Preamble

22 WHEREAS, The goal of restoring the Chesapeake Bay as the largest and most  
23 productive estuary in the United States should include plans that recognize the  
24 historical location of existing and historical natural islands; and

25 WHEREAS, The International Workshop on Dredged Material Beneficial Uses,  
26 sponsored by the U.S. Army Corps of Engineers in July 1997, concluded that only 40%  
27 of dredged material is used beneficially and the most desirable beneficial uses include  
28 the restoration of wetlands and the restoration of existing and historical natural  
29 islands and habitat; and

1 WHEREAS, The Governor's Strategic Plan for Dredged Material Placement  
2 adequately provides for the placement of dredge spoil without necessitating any  
3 expense related to the research, development, or construction of a contained area in  
4 the waters of the Chesapeake Bay; now, therefore,

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Environment**

8 5-1101.

9 (a) In this subtitle the following words have the meanings indicated.

10 (1) "Spoil" means earth, rock, soil, waste matter, muck, or other material  
11 excavated or dredged from Baltimore Harbor and approach channels. .

12 (2) "Baltimore County tributary spoil" means earth, rock, soil, waste  
13 matter, muck, or other materials excavated or dredged from an approved dredging  
14 project in any of the Baltimore County tributaries of the Chesapeake Bay.

15 (3) "Redeposit" means to dump, scatter, pour, or otherwise deposit spoil  
16 or, if made applicable by the provisions of this subtitle or Title 5 of the Natural  
17 Resources Article, Baltimore County tributary spoil in a confined manner.

18 (4) "Baltimore Harbor" means the waterway which consists of the tidal  
19 portions of Patapsco River and its tributaries lying westward of a line extending from  
20 Rock Point in Anne Arundel County to North Point in Baltimore County.

21 (5) (i) "Sewage sludge" means the accumulated semiliquid suspension  
22 of settled solids, or dried residue of these solids, that is deposited from sewage in  
23 wastewater treatment plant tanks or basins.

24 (ii) "Sewage sludge" includes raw untreated sewage disposed from  
25 the Back River Sewage Treatment Plant.

26 (6) "Deep trough" means any region that:

27 (i) Is south of the Chesapeake Bay Bridge and north of a line  
28 extending westerly from Bloody Point; and

29 (ii) Has a depth that exceeds 60 feet.

30 (7) "HISTORICAL NATURAL ISLAND" MEANS A GEOLOGICAL FOOTPRINT  
31 OF AN ISLAND THAT ONCE EXISTED IN THE WATERS OF THE CHESAPEAKE BAY AND  
32 HAS BEEN SEVERELY DAMAGED OR DIMINISHED DUE TO EXTENSIVE EROSION.

33 (b) The General Assembly declares that the Chesapeake Bay and the  
34 tidewater portions of its tributaries are a great natural asset and resource to the  
35 State and its counties. Portions of these areas are threatened with inundation by the

1 unconfined dumping of vast quantities of spoil from dredging operations within  
2 Baltimore Harbor and certain dumpings of sewage sludge. This inundation and  
3 unconfined dumping will pollute and despoil valuable portions of the bottomland in  
4 the Chesapeake Bay and its tidewater tributaries and be grossly harmful to fish and  
5 marine life in these and adjacent waters, to use for recreation, and to the economic  
6 and social life of the people of this State.

7 5-1103.

8 (a) (1) [Except] SUBJECT TO SUBSECTION (C) OF THIS SECTION, EXCEPT for  
9 dredge spoil from local dredging projects initiated by Baltimore County in the waters  
10 of Baltimore County, the Department may not approve any contained area for the  
11 redeposit of spoil within 5 miles of the Hart-Miller-Pleasure Island chain in  
12 Baltimore County.

13 (2) A contained area described in paragraph (1) of this subsection may  
14 not exceed the approximately 1,100 acre size provided in the projects U.S. Army Corps  
15 of Engineers permit dated November 22, 1976.

16 (3) (i) Subject to subparagraph (ii) of this paragraph, dredge spoil may  
17 not be deposited in the Hart-Miller Island Dredged Material Containment Facility  
18 after the first of the following to occur:

19 1. The maximum height of dredge spoil deposited in the  
20 Hart-Miller Island Dredged Material Containment Facility reaches:

21 A. 44 feet above the mean low water mark in the north cell;  
22 and

23 B. 28 feet above the mean low water mark in the south cell;  
24 or

25 2. January 1, 2010.

26 (ii) New dredge spoil dredged from a channel may not be deposited  
27 in the south cell.

28 (b) (1) Except as provided in paragraph (2) of this subsection, only spoil  
29 from the excavation or dredging of Baltimore Harbor, its approach channels, and  
30 Baltimore County tributary spoil from an approved dredging project in any of the  
31 Baltimore County tributaries of the Chesapeake Bay may be redeposited in a  
32 contained area described in subsection (a) of this section.

33 (2) Only dredge spoil from local dredging projects initiated by Baltimore  
34 County in the waters of Baltimore County may be redeposited in any additional  
35 contained area for the redeposit of spoil authorized under subsection (a)(1) of this  
36 section.

37 (C) (1) THE DEPARTMENT MAY NOT APPROVE THE CONSTRUCTION OF A  
38 CONTAINED AREA IN THE WATERS OF THE CHESAPEAKE BAY FOR:

1 (I) REDEPOSIT OF SPOIL, INCLUDING BALTIMORE COUNTY  
2 TRIBUTARY SPOIL; OR

3 (II) DUMPING, DEPOSITING, SCATTERING, OR RELEASING OF:

4 1. SEWAGE SLUDGE; OR

5 2. ANY DREDGED MATERIAL.

6 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE  
7 DEPARTMENT MAY APPROVE THE CONSTRUCTION OF A CONTAINED AREA FOR THE  
8 REDEPOSIT OF SPOIL, INCLUDING BALTIMORE TRIBUTARY SPOIL ON A HISTORICAL  
9 NATURAL ISLAND OR EXISTING ISLAND, SUCH AS:

10 1. THE SITE OF POOLES ISLAND AS IT EXISTS OR FORMERLY  
11 EXISTED; OR

12 2. THE SITE OF ANOTHER EXISTING ISLAND OR HISTORICAL  
13 NATURAL ISLAND IN THE WATERS OF THE CHESAPEAKE BAY, INCLUDING A BARRIER  
14 ISLAND IN NEED OF PROTECTION FROM FURTHER LOSS DUE TO EXTENSIVE  
15 EROSION.

16 (II) A CONTAINED AREA APPROVED UNDER SUBPARAGRAPH (I) OF  
17 THIS PARAGRAPH MAY NOT BE USED FOR:

18 1. THE REDEPOSIT OF SPOIL FROM BALTIMORE HARBOR;

19 2. DUMPING, DEPOSITING, SCATTERING, OR RELEASE OF  
20 SEWAGE SLUDGE.

21 5-1103.1.

22 THE DEPARTMENT OF TRANSPORTATION SHALL USE SPOIL DREDGED FROM  
23 THE APPROACH CHANNELS USED BY THE COMMERCIAL SHIPPING INDUSTRY AS A  
24 SHIPPING CHANNEL TO THE BALTIMORE HARBOR, INCLUDING THE CHESAPEAKE  
25 AND DELAWARE CANAL, THE BREWERTON CHANNEL, AND THE TOLCHESTER  
26 CHANNEL OF THE STATE IN THE COURSE OF REGULAR MAINTENANCE:

27 (1) TO RESTORE SHORELINES THAT HAVE ERODED; AND

28 (2) AS A MINERAL RESOURCE FOR COMMERCIAL AND INDUSTRIAL  
29 PURPOSES.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2001.